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Attorneys for Defendants / Counter-Claimants  
 Capurro Enterprises, Inc., and Nicholas L.  
 Capurro, Jr.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO/OAKLAND DIVISION**

TOWER INS. CO. OF NEW YORK, a  
 New York corp. dba TOWER SELECT  
 INS. CO.,

Plaintiff,

v.

CAPURRO ENTERPRISES, INC., a  
 California corp.; NICHOLAS L.  
 CAPURRO, JR., an individual; and  
 CERTA PROPAINTERS LTD, a  
 Massachusetts corp.,

Defendants.

AND RELATED COUNTERCLAIMS.

CASE NO.: C 11-03806 SI

**STIPULATION TO CONTINUE  
 DISCOVERY DEADLINE AND TRIAL;  
 [PROPOSED] ORDER**

Complaint filed: August 2, 2011

WHEREAS, the discovery deadline in this action is October 19, 2012;

WHEREAS, Tower Ins. Co. of New York, Capurro Enterprises, Inc., and Nicholas

L. Capurro, Jr. (collectively, "the Parties"), stipulate to continue the discovery deadline by 60  
 calendar days, to and including December 18, 2012, and extend the pre-trial conference  
 and trial by about 60 calendar days to April 15, 2013 (pre-trial conference), and April 29,  
 2013 (trial);

1 WHEREAS, the Parties request an Order granting the continuance pursuant to  
2 Local Rule 6-2:

3 (a) Reasons for requested extensions: efforts to resolve by settlement,  
4 attorney and party schedules;

5 (b) Previous time modifications: one, a two week extension for expert  
6 designation;

7 (c) Effect of extension on schedule of case: 60 day continuance with respect  
8 to trial; otherwise, none.

9 IT IS HEREBY STIPULATED by and between the Parties, through their respective  
10 counsel of record, that the discovery deadline be continued to December 18, 2012, the pre-  
11 trial conference be continued to April 15, 2013, and trial be continued to April 29, 2013.

12 Dated: September 21, 2012

Respectfully submitted,

ADLESON, HESS & KELLY, APC

14 By: /s/ Joanne M. Wendell

15 Joanne M. Wendell

16 Attorneys for Defendants/Counter-Claimants  
Capurro Enterprises, Inc., and Nicholas L.  
17 Capurro, Jr.

18 Dated: September 21, 2012

NIELSEN, HALEY & ABBOTT, LLP

19  
20 By: /s/ Stephen w. Cusick

Stephen w. Cusick

21 Attorneys for Plaintiff/Counter-Defendant  
22 Tower Ins. Co. of New York

23 PURSUANT TO STIPULATION, IT IS SO ORDERED

24 Dated: September 25, 2012

  
25  
26 Hon. Susan Ilston  
27  
28

**CERTIFICATE OF SERVICE**

I, Sheri L. Phillips, an employee with the law firm of Adleson, Hess, & Kelly, APC, do hereby certify that on this 21<sup>st</sup> day of Sept. 2012, I served a true and correct copy of the foregoing **STIPULATION TO EXTEND DEADLINE FOR DISCOVERY AND TRIAL; [PROPOSED] ORDER**

addressed to:

Via Electronic Service Through ECF

**TOWER INS. CO. OF NEW YORK**

James C. Nielsen, Esq.  
Stephen W. Cusick, Esq.  
Thomas H. Nienow, Esq.  
NIELSEN, HALEY & ABBOTT LLP  
44 Montgomery Street, Ste. 750  
San Francisco, CA 94104

I declare that I am employed in the office of a member of the bar of this Court and that I made the foregoing service at said member's direction. I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct.

/s/ Sheri L. Phillips \_\_\_\_\_  
Sheri L. Phillips

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